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EXAMINER

KIM, ANDREW

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/697,041
Filing Date: October 31, 2003
Appellant(s): IMURA ET AL.

Carl Schaukowitch
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/25/08 appealing from the Office action mailed 5/21/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

JP 2001-161950	MIZUKAI et al.	June 19, 2001
US 20010031658	OZAKI et al.	10-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3 and 5-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizukai et al. (JP 2001-161950).

Claims 1, 2, 8-12. Mizukai discloses a gaming machine comprising:

- variable display device configured to variably display a plurality of symbol rows each having a symbol placement face formed in a curved surface on which a plurality of symbols are placed (pg. 5, paragraph 12, fig. 3, item M);
- image display device being provided in front of and opposed to the variable display device and configured to display the symbols through a flat symbol transmission face and to display an image concerning a game (pg. 5, paragraph 12, fig. 2 and 8, item 14);
- symbol illumination device configured to illuminate the symbols (Abstract); and
- image display assistance device being provided to cover an area sandwiched between the symbol placement face and the symbol transmission face on a face on the side of the variable display device, and configured to assist image display of the image display device (pg. 7, paragraph 21).

Mizukai does not explicitly disclose that the image display assistance device is lateral to an area between the variable display device. Instead, Mizukai discloses that the image display assistance device is behind the symbol face (fig. 8). Mizukai

uses the reflecting plate to assist in illuminating the area behind the symbol face.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention to place reflecting plates lateral to the area between the symbols and the image display to assist in illuminating the area in front of the symbol face without obstructing the player's view of the symbols. One of ordinary skill in the art would have seen the benefit of modifying Mizukai with laterally placed reflecting plates to assist in illuminating the area in front of the symbol face to provide the player with enhanced visual effects. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the instant invention to modify Mizukai with laterally placed reflecting plates to assist in illuminating the area between the symbol face and the image display device in the same way Mizukai used reflecting plates to assist in illuminating the area behind the symbol face to provide the player with enhanced visual effects.

Claim 3. The gaming machine as claimed in claim 1, wherein the symbol illumination means comprises a rear illumination lamp configured to illuminate the symbols from behind the symbols, and wherein the image display assistance means reflects light emitted from the rear illumination lamp (fig. 8, item 52, pg. 7, paragraph 21).

Claim 5. The gaming machine as claimed in claim 1, wherein the image display assistance means is attached to a housing that houses the variable display means (fig. 8, pg. 7, paragraph 21).

Claim 6. The gaming machine as claimed in claim 1, wherein the image display assistance means comprises a white plate (pg. 7, paragraph 20).

Claim 7. The gaming machine as claimed in claim 1, wherein the image display assistance means comprises a mirror plate (pg. 7, paragraph 20). By definition, a mirror is a reflective surface and therefore the reflective plate disclosed in Mizukai reads on the mirror plate.

Claim 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizukai et al. (JP 2001-161950) in view of Ozaki et al. (US 2001/0031658).

Claim 4. Mizukai substantially discloses the invention as claimed but fails to explicitly teach that the symbol illumination device comprises a front illumination lamp configured to illuminate the symbols from a slanting direction of the front of the symbols, and wherein the image display assistance means reflects light emitted from the front illumination lamp. Instead, Mizukai teaches having lights behind the symbol face to assist in illuminating the symbols to provide the player with a clear view of the symbols. In an analogous illuminating reference, Ozaki teaches having an illumination device on a slanting direction in front of the variable display (Ozaki, paragraph 46). One of ordinary skill in the art would have seen the benefit of modifying Mizukai with the illumination device of Ozaki to illuminate the area between the symbol face and the image display device to provide the player increased visual appeal (Ozaki, abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

instant invention to modify Mizukai with the illumination device of Ozaki to provide the player with good visibility and a high game selection capability.

(10) Response to Argument

As for the arguments associated with claims 1, 2, 8 and 10, the Examiner respectfully asserts that the image display device may simply be a transparent window through which images may be seen. The Examiner also respectfully asserts that the term "lateral to an area" may be interpreted as any of the 6 sides of the "area." Take a cube shaped object for instance (e.g. a six-sided die or a Rubik's cube), at any point in time, all six sides of the object are lateral to the area in the center of the object. Without defining the top, bottom, front, and back of an "area", the term, "lateral" may be interpreted as any of the six sides.

With respect to claims 1, 2, and 8, the Examiner wishes to clarify the interpretations of each limitation.

The variable display device has been interpreted as the reels or a device containing the reels (fig. 6).

The image display device has been interpreted as the flat transparent material (fig. 8 but does not have a reference number) which is provided in front of the variable display device (i.e. the reels). The pattern adjustable display (fig. 1-3, item M) may be an LCD but cannot be verified from the machine translation. Nonetheless, the flat transparent material on the left side of fig. 8 still reads on the claims as it is configured

to display the symbols (claims 1 and 10), display an image concerning a game (claims 2,8 and 10).

The symbol illumination device has been interpreted as the light bulbs (fig. 8, item 52) as recited in claims 1 and 2.

The image display assistance device can be interpreted several ways. In one way, the limitation, "lateral to an area between the variable display device" does not limit between what parts of the variable display device and image display are being defined in the arbitrary "area." Therefore, the reflecting plate (fig. 8, item 57) is lateral to the area between the image display device and the variable display device (fig. 7, items 35 and 36).

In another interpretation, the limitation "configured to assist image display" can be interpreted as the darkly shaded support structures provided in fig. 4 between the flat transparent material and the curved surface (fig. 4, item 23) along the top and bottom of that area. These structures assist in image display by supporting the some of the variable display device and in the very least reflect at least a little light toward the flat transparent material or the image display device as recited in the claims.

However, regardless of the claim language, it would have been obvious to one of ordinary skill in the art to provide reflectors to direct light, whether the light is supposed to be directed toward the user or an image display device, similar to a flash light. The bulb of the practically every flash light is surrounded by a reflective cone which is used to point the light from the bulb in a certain direction. Therefore, one of ordinary skill in the art would have seen the benefit of solving the problem of providing a backlight for an

Art Unit: 3711

LCD by using the light source that is used to illuminate the symbols to also act as the light bulb in a flashlight and reflectors to direct the light source. One of ordinary skill in the art would have found this modification less expensive and more efficient than providing another separate light source for the LCD.

With respect to claim 10, the first display device is analogous to the variable display device of claim 1. The second display device is analogous to the image display device recited in claim 1 only broader.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Andrew Kim/

Conferees:

/XUAN M. THAI/

Supervisory Patent Examiner, Art Unit 3714

/Gene Kim/

Supervisory Patent Examiner, Art Unit 3711